

MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
OF THE CITY OF OSAGE BEACH, MISSOURI

October 4, 2012

The Board of Aldermen of the City of Osage Beach, Missouri, met to conduct a regular meeting on Thursday, October 4, 2012, at 6:30 p.m. at City Hall. The following were present: Mayor Penny Lyons, Alderman Fred Catcott, Alderman Lois Farmer, Alderman John Olivarri, Alderman Kevin Rucker and Alderman Ron Schmitt. Alderman Steve Kahrs was absent. The City Clerk, Diann Warner was present and performed the duties of that office.

Mayor's Communications.

Mayor Lyons had nothing to report at this time.

Citizens Communications.

No one was present who wished to speak during this portion of the meeting.

Consent Agenda.

Alderman Olivarri moved to approve the consent agenda which includes minutes of the regular meeting held on held on September 20, 2012, a caterers' license for the Elk's Lodge for October 20, 2012, and the bill list as submitted. Alderman Schmitt seconded the motion which was voted on and passed.

Unfinished Business.

Bid Award. Harper Lane Reconstruction. Postponed at the 09/20/12 Meeting

City Engineer Nick Edelman explained that bids were opened on September 18th. The following bids were received:

	Base Bid	Alternate Bid
Rice Concrete, Inc.	\$44,237.80	\$47,737.80
KA Berendzen Construction	\$52,686.00	incorrect bid form
B & P Patterson, LLC	\$54,075.00	\$57,408.00
Clark's Concrete Construction	N/A	\$66,859.50
Strait-Line Construction	\$40,600.17	No Alternate Bid
APAC-MO, Inc.	\$49,605.18	No Alternate Bid
Travis Hodge Hauling, LLC	\$64,920.00	\$74,300.00

The low bidder is Strait-Line Construction in the amount of \$40,600.67. This project is an Osage Beach Special Road District Project.

Members of the Osage Beach Special Road District voted to approve the additional funding for this project at their meeting held on September 24, 2012. Staff recommended awarding the bid to the low bidder, Strait-Line Construction, in the amount of \$40,600.17.

Alderman Rucker expressed his concern that Harper Lane would not become a City street after the improvements are complete and he believed there should be a way for streets that do not meet the requirements to become City streets.

City Engineer Nick Edelman explained there were two residents who do not want Harper Lane to become a City street and that a 40 foot right of way is needed to become a City street. Alderman Rucker stated that it is time to review the guidelines on accepting streets.

Alderman Schmitt moved to award the bid for Harper Lane Reconstruction to the low bidder, Strait-Line Construction in the amount of \$40,600.17 as recommended. Alderman Olivarri seconded the motion which was voted on and passed.

New Business.

Presentation by Jim Divincen - Tri-County Lodging Association.

Jim Divincen gave a presentation on an opportunity to market the City for .50 on the dollar through Missouri Tourism which employs 280,000 and hosted more than 36 million visitors in 2011. He said the Tri-County Lodging Association uses their promotional and advertising resources to bring new visitors to the lake area, and uses lodging tax funds to advertise in magazines and newspapers, public relations, group sales, research, on line presence, search engine marketing and special events and festivals.

Mr. Divincen said that 90% of travel is planned online and more than 50% of travel is booked online. He said that the Tri-County Lodging Association is here to help if the City is interested. Applications for matching funds should be in by January 2013 for the July 1, 2013 – June 30, 2014 program.

Alderman Olivarri who has attended many of the TCLA meetings said he was impressed with the results the TCLA is getting from advertising. He added they offered to work with the City if the Board wants to do more economic development. He thanked Mr. Divincen for the presentation and stated that he would like to consider budgeting funds for economic development in the upcoming budget meetings.

Public Hearing. Rezoning Case N. 360. Terry Ross Requests Rezoning of Property for Construction of Duplex Units located between Ledges Drive and Port Lane.

Mayor Lyons opened the public hearing for Rezoning Case No. 360 at 7:10 p.m.

<u>Applicant:</u>	Terry Ross
<u>Location:</u>	Between Ledges Dr. and Port Lane with frontage on Port Lane
<u>Petition:</u>	Rezoning from A-1 (Agriculture) to R-2 w/ PUD 1 Overlay (Two-family Residential).
<u>Existing Use:</u>	The subject property is vacant.
<u>Zoning:</u>	A-1 (Agriculture)
<u>Tract Size:</u>	24,615 square feet
<u>Surrounding Zoning:</u>	<u>Surrounding Land Use:</u>

<u>North:</u>	C-1 (General Commercial)	Condo Development/ Single family
<u>South:</u>	R-1 zones	Single family
<u>East:</u>	R-3 (Multi-family) C-1 (Commercial)	Apartments/Marina/ S family
<u>West:</u>	C-1 w/ PUD overlay	Resort Residential

**The Osage Beach Comprehensive Plan
Designates this area as appropriate for:** Moderate Density Residential

<u>Rezoning History</u>	<u>Case #</u>	<u>Date</u>
--------------------------------	----------------------	--------------------

Diamond Pointe357 (withdrawn)		April, 2011
-------------------------------	--	-------------

<u>Utilities:</u>	Water: City	Electricity: AmerenUE
	Sewer: City	

Access: Property has frontage on Port Lane and Ledges Drive.

Analysis:

1. The applicant is the owner of the vacant property in question. The applicant recently purchased the property from a lending institution that had repossessed it.
2. The character of the area is mixed containing single-family homes, condominiums, apartments, Blue Moon Marina, storage facilities, and RT's Cove (lake front resort residential). The subject property requested for rezoning to R-2 with a PUD 1 overlay is surrounded by properties zoned C-1 (General Commercial), R-3 (Multi family), and R-1a (Single Family).
3. The applicant originally requested the property be rezoned to R-3 with a PUD 1 Overlay for the construction of apartment units.
4. The portion of the property that is being requested for rezoning is fronted and serviced by the paved portion of Port Lane.

Department Comments:

The property is recommended for Moderate Density Residential, which is defined by the Comprehensive Plan as 5-13 units per acre. If the applicant develops the 6 units on the subject property that would equate to just over 10 units per acre for this property which conforms to the Comprehensive Plan.

Under the Section 405.610 of the City Code of Ordinances for Amendments and Changes, bullet point 6 gives five matters that the city should consider before making a change in the zoning of property.

1. Relatedness of the proposed amendment to the goals and outlines of the long range physical plan for the City:

The amended request is in conformance with the density recommendations of the Comprehensive Plan.

The Comprehensive Plan also encourages the City to provide additional work force housing when the opportunity arises to locate it on property where it is compatible.

2. Existing uses of property within the general area of the property in question:

The area surrounding the subject property contains mixed uses including single-family residential, apartments, resort residential (RT's Cove), a lake front marina, storage facilities, and condominium development.

The amended request basically provides a use that conforms to the mix of multi and single family and provides some buffer for some of the residential uses from developing commercial tracts.

3. The zoning classification of property within the general area of the property in question:

The subject property is surrounded on all sides by more intensive zoning districts except for the R-1a tract that the applicant rezoned as part of his previous request. The other surrounding dwellings are built within a C-1 zone or higher density residential zone. Some of those homes have been built, constructed additions to, or remodeled with a Special Use Permit for residential construction in a commercial zone.

4. The suitability of the property in question to the uses permitted under the existing zoning classification:

The subject property would not benefit from an appropriate use if developed with uses permitted within the A-1 zone.

5. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification:

The area surrounding the subject property is currently seeing new development as a result of the zoning action taken by the current applicant. Individual storage facilities are being constructed on the property that is zoned C-1 (General Commercial) and a single family dwelling is being built on the Dude Ranch frontage lot that was created by the applicant and sold to an individual to build this home.

Based on the analysis of the conditions pertaining to the subject petition, the Planning Department recommends approval of the request subject to the following provisions regulating the property being rezoned to R-2 with a PUD 1 Overlay exclusively:

Permitted Uses:

The following uses shall be permitted in those areas as illustrated on the PUD site plan:

1. Residential Uses shall conform to the requested development containing a maximum of 3 duplex buildings for a total of 6 units.
2. Accessory Uses will be designed for and available to the tenants and their guests only and will not be open to the public. Those uses include any administrative office(s) for project management, garages, maintenance facilities, and recreation facilities.

Construction:

Construction shall be in accordance with the International Building Code and all other pertaining construction codes as adopted by the City of Osage Beach at the time a building permit is issued for each individual facility.

The layout of the buildings and units will also conform to the building layout plans that were submitted with this petition.

Bulk, Area, and Height Requirements:

The buildings and units will also conform to the building layout plans that were submitted with this petition.

Dimensional Requirements:

Buildings within this district shall not exceed a minimum setback of 25 feet from the property line fronting Port Lane being considered the front, a minimum setback of 5 feet from the side property lines, and a minimum of 25 feet from the property line fronting Ledges Drive being considered the rear.

Public Facilities:

1. Engineering plans for water, streets, and sewer improvements will be constructed in accordance with the Osage Beach Design Guidelines and shall be approved by the City Engineer's Department.

Access:

1. Access shall be derived from Port Lane.

Parking:

All development shall adhere to Osage Beach off-street parking requirements at the time that it is constructed.

Buffering and Screening:

Waste cans, dumpster units, or other trash receptacles shall be placed where they are least visible from a public street or adjoining properties. Screening/fencing as to make these devices as least visible as possible is required.

Exterior Lighting:

1. Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and/or a general increase in lighting intensity within the adjoining existing or proposed residential area(s). Additionally, all exterior lighting shall be so arranged and shielded so as to confine all direct light rays within the boundaries of this district.
2. All street lighting proposed shall meet the City's standards for street lighting on local streets in residential areas. Applicants should coordinate with the City's Engineering Department on street lighting installations.

Signage:

The applicant will be required to get a sign permit from the city. At such time that an application is filed, a site plan and engineering will be submitted to assure the signs compliance with the city's sign code.

Maintenance of Open Space and Common Areas:

The maintenance of common area and facilities within the District shall be the responsibility of the property owner(s) and/or the property management administrators. All areas not scheduled for immediate construction are to be seeded and storm drainage facilities are to be maintained as to protect from storm water runoff impact to the Lake of the Ozarks and surrounding properties.

Platting:

All platting of property will be required to be in conformance with the Osage Beach Subdivision Code.

Final Development Plan:

The individual site development plans submitted with the Building Permit Applications for the proposed buildings will be considered the Final Development Plans.

The Planning Commission recommended approval by unanimous vote at their regularly scheduled meeting on September 11, 2012.

The applicant, Terry Ross, was present and offered to answer questions. He said that there is a need for townhome living and the total amount of the project is \$1 million.

No one was present to speak in opposition to Rezoning Case No. 360.

There being no further questions or comments, Mayor Lyons closed the public hearing at 7:20 p.m.

Bill No. 12-31. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF OSAGE BEACH, MISSOURI.

Mayor Lyons presented the first reading of Bill No. 12-31 by title only. It was noted that Bill No. 12-31 has been available for public review.

Alderman Farmer moved to approve the first reading of Bill No. 12-31 as presented. Alderman Catcott seconded the motion which was voted on and passed.

Bill No. 12-32. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING ORDINANCE NO 11.70 ADOPTING THE 2012 ANNUAL BUDGET, TRANSFER OF FUNDS FOR NECESSARY EXPENSES.

City Engineer Nick Edelman explained the request to amend the 2012 Budget by transferring \$27,479 from line item 20-00-764209 Asphalt Overlay, \$9,247 from 20-00764208 Road Striping, and \$25,076 from 20-00-733143 Passover Road to 20-00-733155 Misc. Streets/Road. Bill No. 12-2 allocates the necessary funds for the Progress Road Reconstruction project. The Engineering Department recommended approval.

Mayor Lyons presented the first reading of Bill No. 12-32 by title only. It was noted that Bill No. 12-32 as been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 12-32 as presented. Alderman Schmitt seconded the motion which was voted on and passed.

Mayor Lyons presented the second and final reading of Bill No. 12-32 by title only. Alderman Farmer moved to approve the second and final reading of Bill No. 12-32. Alderman Olivarri seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 12-32 and to pass same into Ordinance: "Ayes: Alderman Olivarri, Alderman Catcott, Alderman Rucker, Alderman Schmitt, Alderman Farmer. "Nays": None. "Absent": Alderman Kahrs. Bill No. 12-32 was passed and approved as Ordinance No. 12.32.

Bill No. 12-33. AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AUTHORIZING THE MAYOR TO EXECUTE THE RIGHT OF WAY EXCAVATION AGREEMENT WITH SUMMIT NATURAL GAS OF MISSOURI, INC. PROVIDING FOR A NATURAL GAS DISTRIBUTION SYSTEM

City Engineer Nick Edelman said this agreement is between Summit Natural Gas of Missouri, Inc. and the City of Osage Beach and sets out the work that will be performed in the City's right-of-way. This agreement will act in lieu of right-of-way permits for each installation. Pursuant to the franchise agreement the City is a named insured and is indemnified against any claim for any loss due to construction.

City Attorney Ed Rucker explained the City approved a non exclusive franchise agreement with Summit Natural Gas to use the public right of way to install natural gas lines. He said that Bill No. 12-33 allows them to work under one permit which will dispense with a great deal of paperwork. Additionally, Summit Natural Gas will provide a map showing the location of the work.

Mayor Lyons presented the first reading of Bill No. 12-33 by title only. It was noted that Bill No. 12-33 as been available for public review.

Alderman Olivarri moved to approve the first reading of Bill No. 12-33 as presented. Alderman Schmitt seconded the motion which was voted on and unanimously passed.

Mayor Lyons presented the second and final reading of Bill No. 12-33 by title only. Alderman Schmitt moved to approve the second and final reading of Bill No. 12-33. Alderman Farmer

seconded the motion. The following roll call vote was taken to approve the second reading of Bill No. 12-33 and to pass same into Ordinance: "Ayes: Alderman Farmer, Alderman Olivarri, Alderman Catcott, Alderman Rucker, Alderman Schmitt. "Nays": None. "Absent": Alderman Kahrs. Bill No. 12-33 was passed and approved as Ordinance No. 12.33.

Authorization to Apply for Enhancement Funds from Missouri Department of Transportation.

City Engineer Nick Edelman said enhancement funds are available and the Central District has approximately \$3.1 million available for projects. The maximum amount of funding that each applicant can receive is \$500,000.

City Engineer Nick Edelman said he proposes making one application to replace the asphalt sidewalk along Osage Beach Parkway and construct sidewalks near the Nichols Road Intersection with Osage Beach Parkway and in a westerly direction towards Route KK.

There is no estimate on the proposed project at this time but if we are awarded this project, funds would need to be budgeted in the 2013 budget for engineering and construction of this project would need to be funded in the 2014 budget. We would like the ability to apply for up to \$500,000. If we apply for that amount up to \$125,000 would have to be budgeted in 2014. If we decided to leave out the engineering from this grant, it would be included in the 2013 budget. The Engineering department recommends approval.

Alderman Olivarri moved to authorize the application for enhancement funds from the Missouri Department of Transportation as recommended. Alderman Rucker seconded the motion which was voted on and passed.

Authorization to Proceed with the Proposed Red Bud/Zebra Project Improvements.

The Engineering Department has been looking into the reconstruction of Zebra Road to Red Bud and they have spoken to some of the property owners in the area. They like the idea of the project but some of them would like to be compensated for their land. The Engineering Department recommends delaying this project and utilizing funds elsewhere at this time.

The items that would remain in this project are paving a driveway as originally planned on Red Bud, a driveway for King's Plaza that would be available to accept truck traffic from the west and remove the right in right out at Red Bud and Osage Beach Parkway.

Mr. Edelman proposed utilizing some of the money budgeted for Zebra Road for these projects. He said \$500,000 was budgeted and this project will be approximately \$20,000.

Alderman Olivarri moved to authorize proceeding with the Red Bud/Zebra Improvements as recommended. Alderman Catcott seconded the motion which was voted on and passed.

Acceptance of Osage Beach Parkway.

City Engineer Nick Edelman said a letter was received from Bob Lynch asking if the City is willing to accept Osage Beach Parkway without the overlay work being done. The repair work would be completed in 2013. MoDOT is working on a supplemental agreement at this time. Mr. Edelman

said some things have changed since the original agreement like the split diamond concept and the Nichols Road intersection which will require a supplemental agreement.

Following discussion, Alderman Schmitt moved to postpone this matter until MoDOT submits the legal documents for the Board to review. Alderman Farmer seconded the motion which was voted on and passed.

Communications from Board Members.

Alderman Schmitt. Ron Schmitt presented some facts which occurred this day in history. He reported that he attended a flag raising ceremony this afternoon at Lake of the Ozarks sign location and a lighting ceremony will take place at 10:00 p.m. tonight. He said lighting the flag was a project by an industrious Eagle Scout.

Alderman Farmer. Lois Farmer reported that she will be the great grandmother of a baby girl soon.

Alderman Catcott. Fred Catcott reported that the Passover Road redesign looks nice but it appears it will be difficult to take care of. He suggested using some type of material like stamped concrete to reduce maintenance.

Alderman Schmitt reported that the contractor returned and made the sidewalks from Osage Beach Elementary School and Bluff Drive ADA compliant.

Alderman Rucker. Kevin Rucker reported that he went to the ceremony today and he distributed a list of sponsors to the iconic sign. The lighting of the sign will occur tonight and it will have different colored lights depending upon the season. Alderman Rucker said he was proud that Osage Beach was a sponsor and a contributor.

Alderman Schmitt reported that Mid Mo Credit Union pledged to pay for all the flags for the next five years.

Alderman Olivarri. John Olivarri questioned if Osage Beach Parkway is considered a secondary road for snow removal by MoDOT. Superintendent of Public Works Rick King responded in the affirmative and stated he would do whatever is necessary for emergency vehicles. Alderman Olivarri said that if MoDOT does not do the job adequately, it should be monitored and the Board should authorize staff to take over snow removal.

Staff Communications.

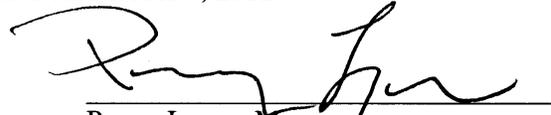
City Planner. Cary Patterson reported that since the deer hunt began to the present season more than 300 deer have been harvested. He said that Osage Beach has taken the lead and the hunts have been very successful.

Superintendent of Public Works. Rick King reported that Siemens, the company monitoring odor control, installed equipment at their expense and they will arrive tomorrow to look at the equipment to make sure it is operating properly.

There being no further business to come before the Board, the meeting adjourned at 7:50 p.m.

I, Diann Warner, City Clerk of the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Aldermen of the City of Osage Beach, Missouri, held on October 4, 2012.


Diann Warner, City Clerk


Penny Lyons, Mayor

APPROVED
10/18/12